

REMARKS

Claims 1-9 are pending in this Application. By this Amendment, Fig. 2 is corrected, the specification is amended, and claims 1 and 5 are amended. No new matter has been added. Reconsideration based on the above amendments and the following remarks is respectfully requested.

Claims 1 and 5 are amended as suggested by the Examiner in order to place the claims in condition for allowance.

Applicants appreciate the courtesy shown to Applicants' representative by Examiner DeWitte, Examiner Mancuso, and Examiner LeFlore in the January 14, 2004 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. The Drawings Satisfy all Formal Requirements

The Office Action objected to the drawings because they allegedly do not show every feature of the invention as specified in the claims. Fig. 2 has been corrected to obviate the rejection. Specifically, a label "23" has been added to Figure 2 to identify charge controllers present in the particles. The specification is correspondingly amended at page 8, line 14. Reconsideration and withdrawal of the objection to the drawings are respectfully requested.

II. The Specification Satisfies all Formal Requirements

The Office Action objects to the specification because of informalities. The specification is amended to obviate the objection. Specifically, the paragraph beginning on page 16, line 17 has been corrected. Reconsideration and withdrawal of the objection to the specification are respectfully requested.

III. The Claims Define Allowable Subject Matter

The Office Action rejected claims 1-3 under 35 U.S.C. §102(b) as allegedly being unpatentable over U.S. Patent No. 6,045,955 to Vincent ("Vincent"). The Office Action also

rejected claims 4-9 under 35 U.S.C §103(a) as allegedly being unpatentable over Vincent in view of U.S. Patent No. 4,126,854 to Sheridan ("Sheridon"). These rejections are respectfully traversed.

As agreed in the personal interview, claims 1 and 5 have been amended consistent with Examiner DeWitte's recommendation. Specifically, claim 1 recites, *inter alia*, "wherein the at least two kinds of particles, each only having a single color,...". Similar changes have also been made to claim 5.

Neither Vincent nor Sheridan teach or suggest an image display medium having the structure recited in each of claims 1 and 5, respectively, and in which the two kinds of particles have the properties recited in these claims.

Reconsideration and withdrawal of this rejection are respectfully requested.

IV. Common Ownership of Yamaguchi

As discussed in the personal interview, U.S. Patent No. 6,407,763 to Yamaguchi et al. ("Yamaguchi") is commonly owned with the present application. Specifically, Application No. 09/963,546 (the present application) and Yamaguchi were, at the time the invention was made, commonly owned by Fuji Xerox.

Yamaguchi falls under the 35 U.S.C. §103(c) exception since it qualifies as prior art only under 35 U.S.C. §102(e) and is assigned to Fuji Xerox (see Reel 11001, Frame 865 of the U.S. Patent Office Assignment Branch records). The present application is also commonly assigned to Fuji Xerox (see Reel 12214, Frame 893 of the U.S. Patent Office Assignment Branch records).

V. **Conclusion**

For at least the foregoing reasons, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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JAO:MGH/rav

Attachment:
Replacement Sheet

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